

## REMARKS

The Applicants respectfully request reconsideration and allowance of claims 1-20 in view of the arguments set forth below.

It is noted that the actions issued thus far in the present application have not indicated acceptance of the drawings. The Applicants assume that the drawings are accepted absent an indication to the contrary.

## J. THE TELEPHONE INTERVIEW

The Applicants appreciate the telephone interview conducted between Examiner Thomas and undersigned attorney on July 16, 2007. In the telephone interview the undersigned attorney pointed out the differences and similarities between the subject matter of the present claims and the subject matter set out in the claims of U.S. Patent No. 6,802,776 (the "776 patent") and the subject matter disclosed in the published version of the application, U.S. Patent Application Publication No. 2002/0111207 (the "207 publication") which matured into the 776 patent. These differences and similarities are set out below. No agreement was reached as to the allowability of the claims.

II. THE CLAIMS ARE NOT OBJECTIONABLE FOR NONSTATUTORY OBVIOUSNESS-TYPE DOUBLE PATENTING OVER CLAIMS FROM THE 776 PATENT

The Final Office Action rejected claims 1-4, 7-11, and 14-16 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 3, 7-10, 12,

1 16-18, 21-22, 28, and 34-36 of the 776 patent. The Applicants respectfully traverse this  
2 rejection.

3 Applicants' claims are patentably distinct from the claims of the 776 patent because the  
4 claims of the 776 patent do not teach or suggest all of the limitations required by Applicants'  
5 claims. As discussed in the telephone interview, the 776 patent is directed to a gaming system  
6 that matches a set of bingo card representations to a ball draw to produce a set of game play  
7 records. Each of these game play records corresponds to a respective bingo card representation (See e.g. the 776  
8 patent at claim 1, element (a)). This matched card set is stored and then records from the  
9 matched card set are assigned to players in the gaming system in response to game play requests  
10 initiated by the players (See e.g. the 776 patent at elements (b) and (c) of claim 1).

12 The present application is directed to a bingo gaming system that uses a matched bingo  
13 card set similar to that disclosed and claimed in the 776 patent. Thus, element (a) of claim 1 in  
14 the present application requires a matching step to produce the matched card set. However, there  
15 is a fundamental difference between the bingo gaming system claimed in the present case and  
16 that disclosed and claimed in the 776 patent. That difference relates to the game play requests  
17 which are initiated by the players in the gaming system. In the system disclosed in the 776  
18 patent, the game play request may include data indicating a wager amount and includes at least  
19 sufficient information to indicate the particular matched card set from which a game play record  
20 is to be assigned (776 patent at col. 13, lines 18-28 and lines 45-58). The game play records in  
21 the 776 patent gaming system may be assigned randomly to incoming game play requests (See  
22 e.g. 776 patent at claim 1, element (c)). Unlike the system claimed and disclosed in the 776

1 patent, the present invention requires that each game play request is not only associated with a  
2 given player as in the system disclosed in the 776 patent, but also requires that each game play  
3 request which is received is associated with a respective bingo card (See e.g., present claim 1,  
4 element (b); see also the discussion in the present application at p. 5, line 15 to p. 6, line 6 and at  
5 p. 28, lines 3-11). Thus, the incoming game play request dictates the particular game play record  
6 that is assigned in response to the game play request. In particular, the each player is assigned  
7 the game play record corresponding to the bingo card representation with which the player is  
8 associated (present claim 1, element (c)).

9 The 776 patent does not disclose nor does it claim the limitation in the present claims  
10 regarding the association between a game play request and a particular bingo card as required in  
11 element (c) of claim 1, element (b) of claim 8, and element (a) of claim 14 of the present  
12 application. Nor is there reason in the prior art to modify the 776 patent so that the received  
13 game play requests are each associated with particular bingo card representations from the  
14 matched set. In this light, the Applicants respectfully submit that the claims of the present case  
15 are not obvious over the claims of the 776 patent and are thus not objectionable under the  
16 doctrine of nonstatutory, obviousness-type double patenting.

17 For these reasons, the Applicants submit that Applicants' claims are patentably distinct  
18 from the claims in the 776 patent and that the nonstatutory, obviousness-type double patenting  
19 rejection of claims 1-4, 7-11, and 14-16 should be withdrawn.

1        III. CLAIMS 1 THROUGH 20 ARE NOT ANTICIPATED BY THE CITED ART

2              The Final Office Action rejected claims 1-20 under 35 U.S.C. §102(b) as being  
3              anticipated by the 207 publication. The Final Office Action also rejected 1-20 under 35 U.S.C.  
4              §102(e) as being anticipated by the 776 patent. The Applicants respectfully submit that claims 1-  
5              20 are not anticipated by either the 776 patent or the 207 publication.

6              As noted above in connection with the telephone interview, the 207 publication is merely  
7              the published application which matured into the 776 patent. Thus the 776 patent discloses  
8              essentially the same material as that disclosed in the 207 publication. The arguments presented  
9              below will refer to the 776 patent, however, these arguments apply with equal force to the 207  
10             publication.

11        Independent Claim 1

12              Independent claim 1 is directed to a method that requires the following limitations:

13              (a) matching a first set of game designations with a set of bingo card representations  
14              to produce a matched card set, the matched card set including a number of game  
15              play records with each game play record corresponding to a different one of the  
16              bingo card representations and including a result indicator indicating a result of  
17              the match between the first set of game designations and the respective bingo card  
18              representation;  
19              (b) receiving a number of game play requests, **each respective game play request**  
20              **being associated with a respective player and a respective bingo card**  
21              **representation from the set of bingo card representations;** and  
22              (c) **for each game play request, assigning the respective player the game play**  
23              **record corresponding to the respective bingo card representation with which**  
24              **the respective player is associated** (Emphasis added).

25              As discussed above in connection with the double-patenting rejection, claim 1 includes a  
26              limitation to matching the bingo card representations similar to the matching step disclosed in the  
27              776 patent. However, the 776 patent does not disclose or suggest that each game play request,

1 that is, each incoming request for a play in the game, is associated with a respective bingo card  
2 representation from the set of bingo card representations as required by element (b) of claim 1.  
3 The 776 patent also does not disclose assigning to a particular player the game play record  
4 corresponding to the respective bingo card representation that is associated with the particular  
5 player as required by element (c) of claim 1. In contrast, the 776 patent discloses that the game  
6 play requests need only include sufficient information to identify the matched card set from  
7 which a game play record is to be assigned (776 patent at col. 13, lines 49-58) and that the game  
8 play records are randomly assigned to players (776 patent at col. 16, line 64 to col. 17, line 4).

9 The Applicants note the comments in the Final Office Action at page 19, lines 4-10  
10 regarding the disclosure in the 776 patent relating to receiving game play requests and purchasing  
11 bingo card representations. The Applicants agree that the system disclosed in the 776 patent uses  
12 game play requests initiated by players. However, the 776 patent does not disclose that the game  
13 play requests are each associated with a particular bingo card representation. In fact, as indicated  
14 above, the 776 patent at the bottom of col. 16 and top of col. 17 discloses that the game play  
15 records (represented by a table entries 152) are assigned randomly to the incoming game play  
16 requests. Also, the fact that the 776 patent discloses that the pre-matched bingo cards are  
17 purchased by players does not have any bearing on the content of a game play request and  
18 certainly does not dictate or suggest that each game play request is associated with a particular  
19 bingo card representation.

20 For these reasons, the Applicants respectfully submit that claim 1 is not anticipated by the  
21 776 patent and is also not anticipated by the 207 publication, and that claim 1 is entitled to  
22 allowance along with its respective dependent claims, claims 2-7.

1       Independent Claims 8 and 14

2           Independent claims 8 and 14 are directed to a program product and apparatus,  
3           respectively, that require limitations similar to those of claim 1. In particular, claims 8 and 14  
4           require that each game play request is associated with a particular bingo card representation from  
5           the set of bingo card representations as required by claim 1. Claims 8 and 14 additionally require  
6           that the game play record assigned to a respective player in response to a game play request  
7           corresponds to the bingo card representation associated with the respective player, also as  
8           required by claim 1. As discussed above, the 776 patent does not disclose these limitations.  
9           Thus, the arguments presented above with respect to claim 1 apply with equal force to claims 8  
10          and 14.

11          For these reasons, the Applicants respectfully submit that independent claims 8 and 14  
12          are not anticipated by either the 776 patent or the 207 publication, and that claims 8 and 14 are  
13          entitled to allowance along with their respective dependent claims, claims 9-13 and claims 15-20.

#### IV. CONCLUSION

2 For all of the above reasons, the Applicants respectfully request reconsideration and  
3 allowance of claims 1-20. If the Examiner should feel that any issue remains as to the  
4 allowability of these claims, or that a conference might expedite allowance of the claims, he is  
5 asked to telephone the Applicants' attorney Russell D. Culbertson at the number listed below.

Respectfully submitted,

The Culbertson Group, P.C.

By: Russell D. Culbertson  
Russell D. Culbertson, Reg. No. 32,124  
1114 Lost Creek Boulevard, Suite 420  
Austin, Texas 78746  
(512)327-8932  
ATTORNEY FOR APPLICANTS

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